

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application. Claims 7-20 are newly added.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The applicants thank the Examiner for determining that the drawings are acceptable.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

New dependent claims are added to at least partially restore the original range of claims that existed before multiple dependencies were removed in the preliminary amendment. No new matter is added.

The applicants thank the Examiner for providing information about recommended section headings. However, the applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

The Office action rejects claim 4 under 35 U.S.C. 112, second paragraph, for inclusion of a trademark or trade name. Claim 4 is amended to recite a product name commonly used in the trade.

MPEP 608.01(v) states:

*Names Used in Trade:* a nonproprietary name by which an article or product is known and called among traders or workers in the art, although it may not be so known by the public, generally. Names used in trade do not point to the product of one producer, but they identify a single article or product irrespective of producer.

Names used in trade are permissible in patent applications if:

- (A) Their meanings are established by an accompanying definition which is sufficiently precise and definite to be made a part of a claim, or
- (B) In this country, their meanings are well-known and satisfactorily defined in the literature.

In view of this amendment, the applicants respectfully request the Examiner's reconsideration of the rejection of claim 4 under 35 U.S.C. 112, second paragraph.

The Office action rejects claims 1-4 under 35 U.S.C. 103(a) over May (USP 6,211,613) and Weindorf et al. (USP 6,697,130, hereinafter Weindorf). The applicants respectfully traverse this rejection.

Claim 1, upon which claims 2-20 depend, claims an electronic display device that includes a polymer LED display, a light-absorbing filter layer covering the display, and a semi-transparent reflective layer covering the filter layer for transmitting light emanating from the polymer LED display and for reflecting ambient light incident on the semi-transparent reflective layer.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) **must teach or suggest all the claim limitations**... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Neither May nor Weindorf, individually or collectively, teaches or suggests a semi-transparent reflective layer covering a filter layer for transmitting light emanating from a polymer LED display and for reflecting ambient light incident on the semi-transparent reflective layer.

The Office action acknowledges that May does not teach the claimed semi-transparent reflective layer above a filter that is above a display, and relies upon Weindorf for this teaching. However, Weindorf specifically teaches a semi-transparent reflective layer that is below/behind a display.

Weindorf teaches placing a semi-transparent reflective layer 306 between a light source 310 and a display 304, so that ambient light is reflected back through the display 304. May teaches a polarizer 14 above a display that is configured to block ambient light reflections from the display 1. Neither Weindorf nor May teaches or suggests a semi-transparent reflective layer in front of a filter that is in front of a display, as specifically claimed in the applicants' claim 1.

Also, the Examiner's attention is requested to MPEP 2143, wherein it is stated: "THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION ... The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). ... The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)".

The Office action correctly asserts that the particular phrase "for transmitting light emanating from a polymer LED display and for reflecting ambient light incident on the semi-transparent reflective layer" is not to be given patentable weight, because this is an inherent characteristic/function of a semi-transparent reflective layer. Correspondingly, given that May does not teach such a semi-transparent reflective layer, the applicants respectfully maintain that May does not teach or suggest the desirability of placing a semi-transparent reflective layer that exhibits this inherent characteristic/function in front of the display to achieve this characteristic/function.

Because neither May nor Weindorf teaches or suggests placing a semi-transparent reflective layer above a filter that is above a display, the applicants respectfully maintain that the Examiner is using impermissible hindsight reconstruction to mix selected elements of May with selected elements of Weindorf to derive the applicants' claimed invention.

Because neither May nor Weindorf, individually or collectively, teach or suggest an electronic display device that includes a polymer LED display, a light-absorbing filter layer covering the display, and a semi-transparent reflective layer

covering the filter layer, as specifically claimed in claim 1, the applicants respectfully maintain that the rejection of claims 1-4 under 35 U.S.C. 103(a) over May and Weindorf is unfounded, per MPEP 2142 and/or 2143.

The Office action rejects claims 5 and 6 under 35 U.S.C. 103(a) over May, Weindorf, and Xu et al. (USP 6,362,566, hereinafter Xu). The applicants respectfully traverse this rejection.

Claims 5 and 6 are dependent upon claim 1. In this rejection, the Office action relies upon May and Weindorf for teaching the elements of claim 1. As noted above, neither May nor Weindorf, individually or collectively, teach or suggest an electronic display device that includes a polymer LED display, a light-absorbing filter layer covering the display, and a semi-transparent reflective layer covering the filter layer, as specifically claimed in claim 1. Therefore, the applicants respectfully maintain that the rejection of claims 5 and 6 under 35 U.S.C. 103(a) over May, Weindorf, and Xu that relies upon May and Weindorf for providing this teaching is unfounded, per MPEP 2142 and/or 2143.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Esq.  
Reg. 41,508  
804-493-0707

Please direct all correspondence to:  
Corporate Counsel  
U.S. PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001